

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SEKISUI AMERICA CORPORATION and,
SEKISUI MEDICAL CO., LTD

Plaintiffs,

v.

RICHARD HART and MARY LOUISE TRUDEL-
HART,

Defendants.

ECF Case
Civil Action No. 12-CV-3479 (SAS)
[PROPOSED] SCHEDULING
ORDER

WHEREAS, on August 20, 2012, the Court issued a Scheduling Order containing certain discovery deadlines, and stating that the remaining deadlines would be scheduled after the then-pending motion to dismiss was decided;

WHEREAS, on October 17, 2012, the Court issued an order granting in part and denying in part the motion to dismiss;

WHEREAS the parties have engaged in discovery in accordance with the Scheduling Order, and respectfully request the Court schedule the remaining pre-trial deadlines in this action; and

WHEREAS the parties have agreed upon a proposed schedule for the Court's consideration;

NOW, THEREFORE, the parties hereby submit the following proposed scheduling order:

A. Proposed Schedule of Planned Depositions

The parties propose completing fact discovery, including the depositions of all fact witnesses, by June 28, 2013. The parties currently anticipate collectively taking between 10-20 depositions of fact witnesses.

B. Proposed Schedule for Production of Documents

The parties shall meet and confer on search terms to be applied to electronically stored information no later than January 15, 2013.

The parties shall produce documents on a rolling basis ~~and use their best efforts to produce all documents no later than ninety (90) days following the parties' agreement on search terms.~~

by March 15, 2013

C. Proposed Schedule for Expert Discovery

The Parties propose the following schedule for expert discovery:

(1) Affirmative expert reports shall be served on or before June 28 ~~July 29, 2013~~ (or thirty (30) days after the close of fact discovery);

(2) Rebuttal expert reports shall be served on or before July 12, 2013 ~~August 28, 2013~~ (or thirty (30) days after affirmative expert reports); and

(3) Expert depositions to be complete by ~~September 27, 2013~~.

D. Deadline to Complete All Discovery

All discovery shall be completed by July 31, 2013 ~~October 18, 2013~~.

E. Pre-Trial Order Matters

Filing of dispositive motions shall be ~~completed~~ by November 1, 2013.

The parties will exchange pre-trial order matters within twenty-one (21) days following the Court's ruling on all dispositive motions or twenty-one (21) days following the deadline for dispositive motions if no dispositive motions are filed.

F. Date by Which the Parties will Submit Pre-Trial Order

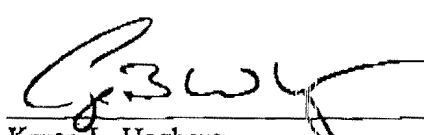
to be scheduled
The parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and proposed findings of fact and conclusions of law within forty-five (45) days following the Court's ruling on all dispositive motions or forty-five (45) days following the deadline for dispositive motions if no dispositive motions are filed.


G. Date for the Final Pre-Trial Conference Pursuant to Fed. R. Civ. P. 16(d)

The final Pre-Trial Conference will be held on August 13 at 4:30.

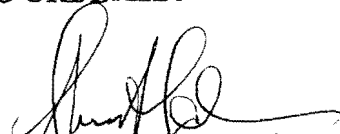
MORRISON & FOERSTER LLP

SULLIVAN & WORCESTER LLP

Now - July TRIAL
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SO ORDERED:


SHIRA A. SCHEINDLIN
U.S.D.J.

1/18/13